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25 June 2020

## Proposed Letter to Connecticut Congressional Delegation

Dear:

The Social Security Administration's Office of Hearings Operations has closed all Hearings Offices nationwide, resulting in considerable harm to the disabled. The Social Security Administration does not appear to be moving with any sense of urgency to re-open the Hearings Offices. On behalf of myself and those whose signatures are electronically affixed, I am asking for your assistance to persuade the Social Security Administration to re-open the Hearings Offices within the next six weeks.

In March of this year Social Security shut down the Hearings Offices (and the Field Offices as well) due to the COVID-19 pandemic. Hearings that were scheduled to be held in-person at the Hearings Offices or by video teleconference from a Social Security Administration location were cancelled. Shortly thereafter, the Office of Hearings Operations began offering claimants a telephone hearing which, typically, involves a Claimant at his or her home, an attorney at his or her home or office, a vocational witness at his or her home or office, a hearing monitor at his or her home, and the Administrative Law Judge at an undisclosed location. When needed, a foreign language interpreter will be on a separate line as well.

There are many cases in which a telephone hearing is insufficient, and only an in-person hearing will preserve the Claimant's rights under both the Social Security Act and the Regulations promulgated under it. A telephonic hearing in District Court, for example, in which a judge hears *argument* from counsel is a far cry from a judge taking *live testimony* by telephone. An Administrative Law Judge taking testimony from a claimant by telephone carries all too great a risk of something important being missed. A recent example is a Claimant who has a severe nerve-related hand tremor which makes the manipulation of objects a virtual impossibility. No amount of descriptive wording by telephone can convey the actual nature of his disability, whereas the ALJ's

actual *seeing* the tremor constantly during the hearing might well be determinative in a favorable decision being reached.

As of today, no one has the slightest idea of when the Hearings Offices will re-open. We know that hearings through September 2020 are being scheduled as telephone hearings only. One local Hearings Office even told Claimants that they do not expect in-person hearings to start up again until January 2021. If that office's prediction is accurate, it would mean a *nine-month suspension* of hearings, resulting in unimaginable hardship to the disabled clients we serve.

It is impossible to accurately convey to you the hardship that the current six month (March to September) hearing suspension has caused to those of our clients who, in our judgment, would be intolerably prejudiced by a telephone hearing. A nine month hearing suspension would elevate the hardship to a catastrophic level. It is common that, prior to the scheduling of a hearing, the Claimant's application has been pending for ten to twenty-four months. To ask the disabled to try to survive on State Administered General Assistance as hearings are in a seemingly endless suspension is institutional cruelty writ large.

Although it is our belief that the Social Security Administration should, once the pandemic is under reasonable control, offer Claimants three options for hearings: In-person, video teleconference, and telephone, that is an issue for another day.

We understand that a "one size fits all" approach to reopening the Hearings Offices is not going to be effective. We understand that certain Hearings Offices will be easier to retro-fit than others to ensure the safety of all involved. But we do not understand what appears to be a decided lack of urgency on Social Security's part to get the Hearings Offices open and operating for in-person hearings.

We eagerly solicit your assistance in doing everything possible to persuade Social Security to re-open the two Connecticut Hearings Offices within the next six weeks.

The undersigned.

This letter will be sent to:  
Hon. Richard Blumenthal  
706 Hart Senate Office Building  
Washington, DC 20510

Hon. Christopher Murphy  
Suite 401  
120 Huyshope Avenue  
Hartford, CT 06106

Hon. John B. Larson  
Second Floor  
221 Main Street  
Hartford, CT 06106

Hon. Joseph Courtney  
Suite 250  
55 Main Street  
Norwich, CT 06360

Hon. Rosa L. DeLauro  
59 Elm Street  
New Haven, CT 06510

Hon. Jim Himes  
Second Floor  
211 Main Street  
Bridgeport, CT 06604

Hon. Jahana Hayes  
Second Floor  
108 Bank Street  
Waterbury, CT 06702